

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION**

**SHYANDREA AND MARY
HESTER, et al., .**

Plaintiffs,

v.

**LOWNDES COUNTY COMMISSION,
CHRISTOPHER BROWN,
EMERGSTAT, DEPUTY JIMMY
HARRIS, et al.,**

Defendants.

**CIVIL ACTION NO.:
CV-06-572-DRB**

AFFIDAVIT

THE STATE OF ALABAMA

LOWNDES COUNTY

Before me, the undersigned, a Notary Public, personally appeared MARY HESTER, who being first duly sworn, deposes and says that she is over the age of nineteen (19), a citizen of the United States of America, and a resident of Lowndes County, Alabama:

Affiant further deposes and says, as follows:

My name is Mary Hester and on May 28, 2004 my daughter was involved in an automobile accident with another vehicle. She sustained minor injuries, which included, bumping the left side of her head. As a precaution I had the police at the scene to summon an ambulance to transport my daughter to the hospital to be checked out. When the ambulance arrived there were two paramedics Christopher Brown and Lenay (last name unknown at this time).

After a brief examination they said all of her vital signs were fine, but they did recommend a follow up to the hospital, because you never know for sure, so Shyandrea and I elected to go to the hospital by ambulance as recommended by Chris and Lenay who were both employed by Emergystat, the ambulance company that responded to the scene.

During the ride to the hospital I was startled by my daughters screams and looked back to see Christopher Brown attempting to start an I.V., into Shyandrea's arm. I am a certified phlebotomist and a registered dental hygienist; I could see there was blood in the hub of the needle which, according to my training meant he had entered the vein and gone through it because of the steep angle he was using.

He was fishing around my daughters arm with the needle inserted in her arm, which apparently was extremely painful and the reason why she was screaming at him to stop. I asked Mr. Brown why he was doing this and he said as a precaution and he continued to attempt to insert the needle in a vein and my daughter continued to scream and ask him to stop repeatedly.

I then asked him about the procedure and he replied that it was not going good at all and this response frightened me. He then said he was going to have to start another I.V., but since my daughter was screaming for him to stop I just told her to pray and I attempted to comfort her and asked Christopher not to attempt to start another I. V. since this was just a precautionary trip to the emergency room, and everything else appeared to be fine with my daughter.

Chris Brown ignored both mine and Shyandrea's pleas and started to palpate her vein again so I asked him again not to attempt to restart an I. V. because neither Shyandrea nor I wanted him to attempt again. Christopher responded by looking at me angrily and telling me "I am going to restart the I. V. " and that "I am going to do my job." At this point I again asked Christopher not to re-start the I. V. and I told him that Shyandrea and I were refusing treatment and we would sign the necessary papers to do so and repeated to him not to start the I. V.

Christopher Brown then replied by angrily and abusively saying no and that he wanted me to get out of the ambulance. I told Mr. Brown I had no problem getting out of the ambulance as long as my daughter was released , and that I would not get

out without her. Brown then told me that once you were in the ambulance that you could not be released until you reached your destination.

Mr. Brown made a radio call then instructed Lenay to pull into the BP service station on Highway 80. After she pulled into the station he again told me to get out of his ambulance. I again told him I would leave without a problem as long as I could leave with my daughter. I then told Christopher that I had left home without my cell phone and would be in danger if he left me at this closed service station in the middle of the night. Lenay the driver then offered me her cell phone but Brown then prevented her from letting me use it. At this time I was nearly brought to tears because I was so upset and dismayed at what was happening to me and Shyandrea.

Christopher Brown attempted several times to put me out at the closed service station at night alone with no phone. My daughter repeatedly told Brown that she did not want the I. V. attempted again and that she wanted to be let out of the ambulance with me, she was refused and continued to be strapped to the stretcher and unable to move or defend herself from Mr. Brown.

Christopher Brown then started to try to intimidate my daughter by suggesting she may suffer a spinal injury or paralysis if she got up from the position she was in on the stretcher. Both my daughter and I asked Christopher again and again to be let out the ambulance and be allowed to sign releases from treatment, but every time he refused and angrily and abusively yelled no. Brown caused the ambulance to sit on the side of the road between 10 and 20 minutes waiting for the Sheriff's Deputy to arrive.

When the officer arrived, the officer physically removed me from the ambulance, in spite of the fact that I told him I did not want to leave without my daughter who was being held against her will. The officer then told me that Brown had told him to remove me because a patient could not leave once they were in the ambulance. During the time I was there Shyandrea never complained of nausea or dizziness. There was never any mention of any possible head or spinal injury by Shyandrea nor did she complain of any symptoms of head or spinal injury.

Mr. Brown was told time and time again that the ambulance ride was just a precaution and there were no signs or symptoms of any major or acute trauma conditions that required the type of invasive and painful procedures he subjected my daughter to, completely and totally against her will. Christopher Brown wrongfully and maliciously held me and my daughter in the ambulance and refused to allow her to sign a medical release and be allowed to leave the ambulance.

Further Affiant sayeth not:

s/Mary Hester
Affiant - Mary Hester

Sworn to and subscribed before me this the 22nd day of March,
2007.

s/Krista Adams
NOTARY PUBLIC

My Commission expires:

10/05/2010